

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OCT 29 2003
CLERK'S OFFICE
U. S. DISTRICT COURT
EASTERN MICHIGAN

Michael M. Bretting,

Plaintiff,

No. 03-73256

v.

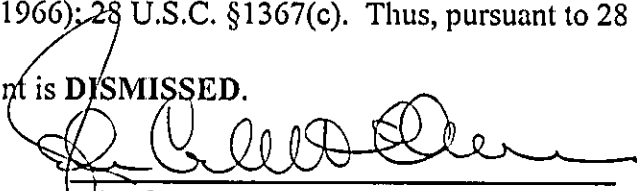
Hon. John Corbett O'Meara

Eastern Michigan University,

Defendant.

ORDER OF DISMISSAL AS TO COUNT I OF PLAINTIFF'S COMPLAINT

Plaintiff Michael M. Bretting filed suit against defendant Eastern Michigan University on August 26, 2003. Plaintiff's complaint sets forth two counts. Count I alleges a violation of Elliot Larsen Civil Rights Act, Mich. Comp. Laws Ann. §§ 37.2101 *et seq*; and Count II alleges a violation of Title VII of the Civil Rights Acts of 1964, 42 U.S.C. §§ 2000c *et seq*. While Count II is based upon a violation federal law, Count I is based entirely on state law. Because the parties are not diverse, this court declines to exercise pendant jurisdiction over Count I. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. §1367(c). Thus, pursuant to 28 U.S.C. §1367(c), Count I of Plaintiff's complaint is **DISMISSED**.


John Corbett O'Meara
United States District Judge

Date: OCT 29 2003

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Joseph A. Golden

ON October 29, 2003

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